

Senate File 2128 - Introduced

SENATE FILE _____
BY DVORSKY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a therapeutic recreation board, requiring the
2 licensure of therapeutic recreation specialists, and providing
3 for fees and penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5140XS 82
6 jr/rj/5

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1 1 Section 1. Section 147.1, subsection 2, paragraphs c and
1 2 f, Code Supplement 2007, are amended to read as follows:
1 3 c. "Licensed" or "certified" when applied to a physician
1 4 and surgeon, podiatric physician, osteopath, osteopathic
1 5 physician and surgeon, physician assistant, psychologist or
1 6 associate psychologist, chiropractor, nurse, dentist, dental
1 7 hygienist, optometrist, speech pathologist, audiologist,
1 8 pharmacist, physical therapist, occupational therapist,
1 9 therapeutic recreation specialist, respiratory care
1 10 practitioner, practitioner of cosmetology arts and sciences,
1 11 practitioner of barbering, funeral director, dietitian,
1 12 marital and family therapist, mental health counselor, social
1 13 worker, massage therapist, athletic trainer, acupuncturist, or
1 14 sign language interpreter or transliterator means a person
1 15 licensed under this subtitle.
1 16 f. "Profession" means medicine and surgery, podiatry,
1 17 osteopathy, osteopathic medicine and surgery, practice as a
1 18 physician assistant, psychology, chiropractic, nursing,
1 19 dentistry, dental hygiene, optometry, speech pathology,
1 20 audiology, pharmacy, physical therapy, occupational therapy,
1 21 therapeutic recreation, respiratory care, cosmetology arts and
1 22 sciences, barbering, mortuary science, marital and family
1 23 therapy, mental health counseling, social work, dietetics,
1 24 massage therapy, athletic training, acupuncture, or sign
1 25 language interpreting or transliterating.
1 26 Sec. 2. Section 147.2, unnumbered paragraph 1, Code
1 27 Supplement 2007, is amended to read as follows:
1 28 A person shall not engage in the practice of medicine and
1 29 surgery, podiatry, osteopathy, osteopathic medicine and
1 30 surgery, psychology, chiropractic, physical therapy, nursing,
1 31 dentistry, dental hygiene, optometry, speech pathology,
1 32 audiology, occupational therapy, therapeutic recreation,
1 33 respiratory care, pharmacy, cosmetology, barbering, social
1 34 work, dietetics, marital and family therapy or mental health
1 35 counseling, massage therapy, mortuary science, athletic
2 1 training, acupuncture, or sign language interpreting or
2 2 transliterating, or shall not practice as a physician
2 3 assistant as defined in the following chapters of this
2 4 subtitle, unless the person has obtained from the department a
2 5 license for that purpose.
2 6 Sec. 3. Section 147.13, Code Supplement 2007, is amended
2 7 by adding the following new subsection:
2 8 NEW SUBSECTION. 24. For therapeutic recreation
2 9 specialists, the board of therapeutic recreation.
2 10 Sec. 4. Section 147.14, Code Supplement 2007, is amended
2 11 by adding the following new subsection:
2 12 NEW SUBSECTION. 24. For therapeutic recreation, three
2 13 licensed therapeutic recreation specialists who have engaged
2 14 in the practice of therapeutic recreation in Iowa for at least
2 15 three years immediately preceding their appointment to the
2 16 board and two members who are not licensed to practice
2 17 therapeutic recreation and who shall represent the general
2 18 public. A majority of members of the board constitutes a
2 19 quorum.

2 20 Sec. 5. Section 147.74, Code Supplement 2007, is amended
2 21 by adding the following new subsection:
2 22 NEW SUBSECTION. 9A. A therapeutic recreation specialist
2 23 licensed under chapter 148F may use the words "therapeutic
2 24 recreation specialist" after the person's name or signify the
2 25 same by the use of the letters "T.R.S." after the person's
2 26 name.

2 27 Sec. 6. Section 147.80, subsection 1, Code Supplement
2 28 2007, is amended by adding the following new paragraph:
2 29 NEW PARAGRAPH. rr. License to practice therapeutic
2 30 recreation issued upon the basis of an examination given by
2 31 the national council for therapeutic recreation certification,
2 32 license to practice therapeutic recreation issued under a
2 33 reciprocal agreement, renewal of a license to practice
2 34 therapeutic recreation.

2 35 Sec. 7. NEW SECTION. 148F.1 TITLE AND PURPOSE.
3 1 This chapter may be cited and referred to as the
3 2 "Therapeutic Recreation Practice Act".
3 3 The purpose of this chapter is to provide for the
3 4 regulation of persons offering therapeutic recreation services
3 5 to the public in order to safeguard the public health, safety,
3 6 and welfare.

3 7 Sec. 8. NEW SECTION. 148F.2 DEFINITIONS.
3 8 As used in this chapter:
3 9 1. "Board" means the board of therapeutic recreation.
3 10 2. "Therapeutic recreation" means a treatment service
3 11 designed to restore, remediate, or rehabilitate a patient's or
3 12 client's level of functioning and independence in life
3 13 activities, or to reduce or eliminate the life activity
3 14 restrictions caused by an illness or disabling condition, with
3 15 the primary purpose being to provide recreational resources
3 16 and opportunities in order to improve health and well-being.
3 17 "Therapeutic recreation" includes all direct patient or client
3 18 services of assessment, planning, design, implementation,
3 19 evaluation, and documentation of specific interventions,
3 20 management, consultation, research, and education.

3 21 Sec. 9. NEW SECTION. 148F.3 DUTIES OF THE BOARD.
3 22 The board shall administer this chapter. The board's
3 23 duties shall include but are not limited to the following:
3 24 1. Adoption of rules to administer this chapter, chapter
3 25 147, and chapter 272C with respect to the licensing of
3 26 therapeutic recreation specialists.
3 27 2. Adoption of rules relating to professional conduct and
3 28 licensing and the establishment of ethical and professional
3 29 standards of practice.
3 30 3. Adoption of rules relating to the process and knowledge
3 31 base of therapeutic recreation as delineated in the national
3 32 council for therapeutic recreation certification job analysis
3 33 study, as adopted by the board in rule. The rules shall adopt
3 34 by reference the specific edition of the job analysis study
3 35 which is to be followed.

4 1 4. Acting on matters concerning licensure and the process
4 2 of applying for, granting, suspending, imposing supervisory or
4 3 probationary conditions upon, reinstating, revoking, or
4 4 renewing a license.

4 5 5. Establishing and collecting licensure fees as provided
4 6 in section 147.80.

4 7 6. Developing continuing education requirements as a
4 8 condition of license renewal.

4 9 7. Evaluating requirements for licensure in other states
4 10 to determine if reciprocity may be granted.

4 11 Sec. 10. NEW SECTION. 148F.4 PERSONS AND PRACTICES NOT
4 12 AFFECTED.

4 13 This chapter does not prevent or restrict the practice,
4 14 services, or activities of any of the following:

4 15 1. A person licensed in this state by any other law from
4 16 engaging in the profession or occupation for which the person
4 17 is licensed.

4 18 2. A person employed as a therapeutic recreation
4 19 specialist by the government of the United States if that
4 20 person provides therapeutic recreation solely under the
4 21 direction or control of the organization by which the person
4 22 is employed.

4 23 3. A person pursuing a course of study leading to a degree
4 24 or certificate in therapeutic recreation in an accredited or
4 25 approved educational program, if the activities and services
4 26 constitute a part of a supervised course of study and the
4 27 person is designated by a title which clearly indicates the
4 28 person's status as a student or trainee.

4 29 Sec. 11. NEW SECTION. 148F.5 REQUIREMENTS FOR LICENSURE
4 30 == TEMPORARY LICENSE.

4 31 1. An applicant applying for a license as a therapeutic
4 32 recreation specialist must file a written application on forms
4 33 provided by the board, showing to the satisfaction of the
4 34 board that the applicant holds a current certification as a
4 35 certified therapeutic recreation specialist by the national
5 1 council for therapeutic recreation certification.

5 2 2. A person may qualify for a one-year, nonrenewable
5 3 temporary license if the person is eligible to sit for the
5 4 national council for therapeutic recreation certification
5 5 examination.

5 6 Sec. 12. Section 272C.1, subsection 6, Code 2007, is
5 7 amended by adding the following new paragraph:

5 8 NEW PARAGRAPH. af. The board of therapeutic recreation,
5 9 created pursuant to chapter 147.

5 10 Sec. 13. INITIAL BOARD. The initial members of the board
5 11 of therapeutic recreation shall be appointed to the following
5 12 terms:

5 13 1. Two therapeutic recreation specialist members eligible
5 14 for licensure and one public member shall be appointed for a
5 15 term of two years.

5 16 2. One therapeutic recreation specialist member eligible
5 17 for licensure and one public member shall be appointed for a
5 18 term of one year.

5 19 EXPLANATION

5 20 This bill creates new Code chapter 148F that requires the
5 21 licensure of therapeutic recreation specialists. The bill
5 22 provides for the establishment of a five-member board of
5 23 therapeutic recreation consisting of three members who are
5 24 therapeutic recreation specialists and two members who
5 25 represent the general public. The bill provides for fees to
5 26 fund the board and provides penalties for violation of the
5 27 practice requirement; those penalties are set out for all
5 28 health-related boards in Code chapters 147 and 272C. The
5 29 board is similar in composition and responsibilities to the
5 30 other health-related licensing boards.

5 31 LSB 5140XS 82

5 32 jr/rj/5.4